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July 19, 2001
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VIA HAND DELIVERY

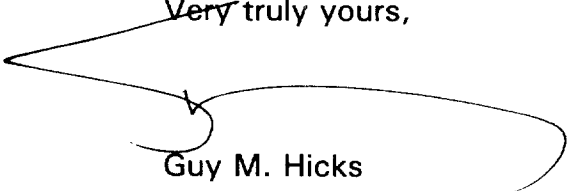
David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *BellSouth Telecommunications, Inc.'s Entry Into Long Distance
(InterLATA) Service in Tennessee Pursuant to Section 271 of
the Telecommunications Act of 1996*
Docket No. 97-00309

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of the Comments of BellSouth Regarding the Application of the FCC's Procedural Requirements to this Proceeding. Copies of the enclosed are being provided to counsel of record.

Very truly yours,



Guy M. Hicks

GMH:ch
Enclosure

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *BellSouth Telecommunications, Inc.'s Entry Into Long Distance (InterLATA Service) in Tennessee Pursuant to Section 271 of the Telecommunications Act of 1996*

Docket No. 97-00309

COMMENTS OF BELL SOUTH TELECOMMUNICATIONS, INC.
REGARDING THE APPLICATION OF THE FCC'S
PROCEDURAL REQUIREMENTS TO THIS PROCEEDING

BellSouth Telecommunications, Inc. ("BellSouth") has informed the Tennessee Regulatory Authority ("the Authority") that it will soon file a section 271 application with the Federal Communications Commission ("FCC") to gain authority to enter the interLATA long distance market in Tennessee. BellSouth plans to file its formal Section 271 notice with the Authority on July 30, 2001.

The Hearing Officer has requested comment on the advisability of adopting the FCC's procedural requirements for reviewing BOC applications under Section 271 of the Act¹. BellSouth respectfully submits that mandating the FCC's procedural requirements in a state 271 proceeding is unnecessary and would ill-serve the Authority and could delay competitive choice and service offerings to Tennesseans.

¹ See *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, DA 01-734, Public Notice (Mar. 23, 2001). This *Public Notice* revised and superseded the procedures and policies for section 271 applications to the FCC that were set forth in prior Public Notices.

The FCC has applauded the use of rigorous state proceedings that have contributed to the application's success.² The determination of whether an applicant has satisfied the requirements of section 271 raises numerous complex and fact-intensive issues; consequently, the FCC encourages each state to conduct a detailed analysis of the evidence. Because of the Congressionally-mandated 90-day deadline, the FCC looks to state commissions to resolve factual disputes wherever possible.³ The FCC considers carefully state determinations of fact that have been supported by a "detailed and expansive record" and accords the state's determination "substantial weight" where the state has conducted an exhaustive and rigorous investigation of the BOC's compliance.⁴

The FCC has not even suggested, let alone mandated, that state commissions be bound by the FCC's procedural requirements for reviewing 271 applications. Indeed, there are significant differences between the FCC 271 review process and state commission 271 proceedings such as this one. For example, there is no live hearing before the FCC. Pre-filed written and oral testimony will be presented in Tennessee. Affidavits will be used in the FCC proceeding. The FCC's procedural order allows for certain *ex parte* contacts that are at odds with Authority guidelines. Also, the FCC, unlike the Authority, must both consult with

² *Bell Atlantic - NY Order*, ¶ 8. See also *Application by SBC Communications Inc., Southwestern Bell Telephone Company, And Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Texas*, CC Docket No. 00-65, Memorandum Opinion and Order, 15 FCC Rcd 18354, 18357-59, ¶¶ 3-4.

³ See also 47 U.S.C. § 271(d)(2)(B) (requiring the FCC to consult with the relevant state commissions to verify BOC compliance with the requirements of section 271).

⁴ See *Bell Atlantic - NY Order*, ¶¶ 20, 51, 54, 56.

the DOJ and consider the state commission's comments during the 90-day review period.

The FCC expects that the state proceedings will allow BOCs to be able to "identify and anticipate certain arguments and allegations that parties will make in their filings before the [FCC]."⁵ Thus, not only will the state commissions help to narrow the issues in dispute, they will also allow the record to be supplemented with most recent data related to charges made by parties opposing BOC interLATA relief. It will therefore better serve the state of Tennessee for the Authority to maintain the flexibility to establish a schedule based on the needs of the Authority and parties as determined before and, perhaps during, the proceeding. This will insure that the Authority has the flexibility to present the FCC with a complete record. The FCC expects BellSouth to present its case based on the most current applicable information. A review of the most current information available facilitates the Authority's ability to provide its comments to the FCC. The FCC's complete-as-filed rule and 90-day review period would unnecessarily constrain the Authority's ability to discharge this critical responsibility.

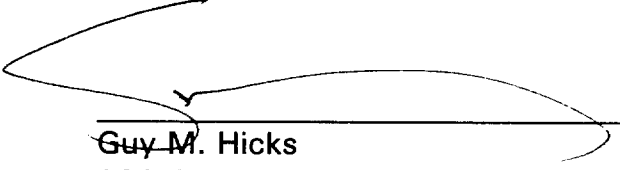
To complete its investigation and analysis in a manner that accords with the FCC's expectations and best serves the interests of the Authority and the citizens of Tennessee, BellSouth respectfully requests the Authority set forth its own

⁵ See *Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in the State of New York*, CC Docket No. 99-295, Memorandum Opinion and Order, 15 FCC Rcd 3953, 3969, ¶ 36 (1999) (*Bell Atlantic - NY Order*).

procedural and filing requirements consistent with Authority rules of practice and not unnecessarily constrain itself or this proceeding by adopting the FCC's rigid Section 271 review framework.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2001, a copy of the foregoing document was served on the parties of record, via hand delivery, facsimile, overnight or US Mail, addressed as follows:

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